IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 10 OF 1999.

Shri Prabha Dulo Gaude,
Dy. General Manager,
Economic Development Corporation
of Goa, Daman and Diu, EDC House,
Panaji, r/o Mandur, P.O. Neura,
Ilhas, Goa. ... Petitioner.

Versus

1. Economic Development Corporation
of Goa, Daman and Diu, through
its Managing Director, EDC House,
Dr. Atmaram Borkar Road, Panaji.
2. Shri G.R. Shanbhag, Dy. General
Manager (Accounts), Economic
Development Corporation of Goa,
Daman and Diu, Branch Office,
'D' Block, 3rd Floor, Apna Bazar,
Varde Valaulikar Road, Margao. ... Respondents.

Mr. S.G. Dessai, Senior Advocate with Mr. D.B. Ambekar, Advocate for the Petitioner.

Mr. M.S. Sonak with Ms. Pooja Bharne, Advocates for the Respondent No. 1.

Mr. D.P. Bhise, Advocate for the Respondent No. 2.

Coram : N.N. MHATRE AND
P.V. HARDAS, JJ.

Date : 12th January 2004.

ORAL JUDGMENT (PER MHATRE, J.)

The petitioner has filed the present petition challenging the appointment of respondent no. 2 as Deputy General Manager without he having completed the requisite qualifications. The seniority list of Deputy General Managers indicates that respondent no. 2 is shown at serial no. 2 and the petitioner at serial no. 6. During the pendency of the petition, the petitioner as well as the respondent no. 2 have been promoted on

adhoc basis to the post of General Manager. In view of this, Mr. Dessai, on instructions, seeks liberty to withdraw the petition. However, he submits that, in the event the respondent no. 1 institutes another D.P.C. for the post of General Manager and the petitioner ranks lower in the seniority list than respondent no. 2, liberty be granted to the petitioner to challenge the same. We think this is a fair suggestion.

2. The petitioner is allowed to withdraw the petition with liberty to file a fresh petition, if aggrieved by the D.P.C. and his placement in the seniority list of General Managers. All contentions raised in the present petition and any other contention, which may be available to the petitioner in law, including that a second D.P.C. need not be held for appointing persons in the General Manager category, are left open.

(NISHITA MHATRE)
JUDGE.

(P.V. HARDAS)
JUDGE.

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